

REMARKS

In the 01/12/2006 Office Action, claims 1-6, 8, and 9 stand rejected on prior art grounds, under 35 U.S.C. 102(a). In particular, the rejected claims were rejected under 35 U.S.C. 102(a) as being anticipated by Melville (U.S. Patent No. 6,973,765). Claims 7, 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Melville as applied to claims 1-6, 8 and 9 above, and in further view of De Witt et al. (U.S. Patent No. 3,593,008). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Melville as applied to claims 1-6, 8 and 9, and in further view of Ewing (U.S. Patent No. 4,882,811). All of the original claims including previously presented claims are canceled in this amendment. New claims 23-43 are submitted to better define the scope of the present invention. No new matter is included in the new claims. Reconsideration and withdrawal of the rejections is respectfully requested in view of the above amendments and for the following reasons.

The present invention is directed to automated systems and methods for automatically controlling functions such as water, power, gas, and equipment usage in an animal processing facility. In particular, at least one sensor is provided at a poultry-processing facility for sensing the presence of each animal unit at the input of a predetermined process or system. The invention is especially well suited for tracking each animal unit through the process or system using animal unit sensing outputs, while coordinating at least one function of the predetermined process or system in an automated, integrated manner based upon the animal unit sensing outputs.

The cited Melville, De Witt et al. and Ewing references including the present application all broadly disclose systems and methods for monitoring units being conveyed through an industrial facility. However, none of the cited references including the prior art made record of

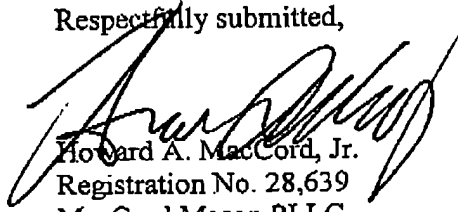
but not relied upon disclose a control system and method that deactivates the at least one function when the sensor detects and counts a predetermined number of animal unit holders each of which not having a corresponding animal unit held thereby.

All of the new independent claims of the present application include one or the other of the above underlined recitations. These recitations come from canceled claims 7 and 17, so no new matter has been added by this amendment.

The Office Action points to De Witt as disclosing the capability of counting and recording all the units produced and passing over a conveyor in order to consistently monitor the output of the system. However, neither De Witt nor the other references cited, deactivate the function when the sensor detects a predetermined number of animal holders that do not have a corresponding animal unit held thereby.

In view of the foregoing amendments and for the above reasons, it is believed that this application is now in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE (FAX NO. (571) 273-8300) TO: EXAMINER Susan Alimenti, ART UNIT 3644 ON APRIL 11, 2006. (Date of Deposit)

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